

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

11/9/04  
a/f

---

UNITED STATES OF AMERICA	)	CRIMINAL CASE NO. 04-10231-MLW
	)	
v.	)	
	)	
PETER V. MAGGIO, III, ET AL.	)	
	)	

---

GOVERNMENT'S MOTION FOR ORDER ON EXCLUDABLE TIME

The United States moves this Court to enter an Order excluding from the Speedy Trial Act the period from August 12, 2004 (date of indictment) to September 28, 2004, (date of defendant Paradiso initial appearance), the period from August 12, 2004 (date of indictment) to September 30, 2004 (date of defendant O'Neill initial appearance), the period from August 12, 2004 (date of indictment) to October 6, 2004 (date of defendant DeVeau initial appearance), the period from August 12, 2004 (date of indictment) to November 9, 2004 (scheduled date of remote video initial appearance for defendant Maggio), the period from August 12, 2004 (date of indictment) to November 9, 2004 (scheduled date of initial appearance for defendant Howe), the period from August 12, 2004 (date of indictment) to November 10, 2004 (scheduled date of initial appearance for defendants Havey and Sacco), and the period from November 10, 2004 (scheduled date of initial appearance for defendants Havey and Sacco) to a date to be scheduled at the convenience of this Court for defendants' status conference. See 18 U.S.C. §3161(c)(1) [Speedy Trial

calculation commences with initial appearance of defendant(s)]; 18 U.S.C. §3161(h)(7) [delay when defendant joined with codefendant(s) as to whom Speedy Trial has not run]; 18 U.S.C. §3161(h)(1)(F) as interpreted by the First Circuit in United States v. Jodooin, 672 F.2d 232, 237 (1st Cir. 1982) [exclusion pending pretrial motion]; 18 U.S.C. §3161(h)(8)(A) [exclusion for continuance on court finding ends of justice served by delay outweigh interests in speedy trial].

The Government submits the following information in support of the motion for exclusion of time:

Respectfully submitted this 8<sup>th</sup> day of November, 2004.

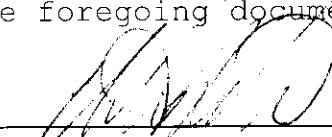
MICHAEL J. SULLIVAN  
UNITED STATES ATTORNEY

By: 

~~VICTOR A. WILD~~  
Suite 9200  
One Courthouse Way  
Boston, MA 02210  
(617) 748-3100  
Mass. Bar No. 543148

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the attorneys listed below a copy of the foregoing document.

  
VICTOR A. WILD  
Assistant U.S. Attorney

James M. Merberg, Esq.  
66 Long Wharf  
Boston, MA 02110  
Attorney for Peter V. Maggio

Edward Z. Menkin, Esq.  
Suite 909, 109 S. Warren St.  
Syracuse, NY 13202  
Attorney for Jeffrey DeVeau

Joseph S. Oteri, Esq.  
20 Park Plaza  
Boston, MA 02116  
Attorney for Michael R. O'Neill

Scott P. Lopez, Esq.  
24 School Street  
Boston, MA 02108  
Attorney for Louis A. Paradiso

Sean Sacco  
21 Frost Avenue  
Dorchester, MA 02122

Elliott M. Weinstein, Esq.  
228 Lewis Wharf  
Boston, MA 02110  
Attorney for William A. Howe

Matt A. Havey  
# 3, Russell Street  
Malden, MA 02148